

Order

Michigan Supreme Court
Lansing, Michigan

October 21, 2020

Bridget M. McCormack,
Chief Justice

160597 & (46)

David F. Viviano,
Chief Justice Pro Tem

RODNEY WOODS, d/b/a RODNEY WOODS
BUILDER,

Plaintiff-Appellant,

v

SC: 160597
COA: 344025
Saginaw CC: 16-029129-CB

CITY OF SAGINAW,
Defendant-Appellee.

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

On order of the Court, the application for leave to appeal the October 15, 2019 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REVERSE that part of the Court of Appeals judgment holding that the trial court properly granted summary disposition of the plaintiff's quantum meruit claim under MCR 2.116(C)(8). The plaintiff's amended complaint and attached exhibits were legally sufficient to plead his claim that the defendant was unjustly enriched by extra-contractual work completed by the plaintiff. See *El-Khalil v Oakwood Healthcare, Inc*, 504 Mich 152, 159-160 (2019); *Wright v Genesee County*, 504 Mich 410 (2019). Moreover, the Court of Appeals clearly erred by engaging in appellate fact-finding when it stated that the plaintiff had been "fairly compensated." We REMAND this case to the Court of Appeals for consideration of the plaintiff's arguments regarding the trial court's alternative ruling that granted summary disposition to the defendant under MCR 2.116(C)(10). The plaintiff's motion to disqualify the trial judge is DENIED, without prejudice to the plaintiff seeking such relief on remand. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.

We do not retain jurisdiction.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 21, 2020

Clerk